

**Remarks**

This is a full and timely response to the outstanding non-final Office Action mailed July 21, 2005. Upon entry of the amendments in this response, claims 1-12 and 22-25 are canceled without prejudice, waiver, or disclaimer. Claims 13-21 and claims 26-31 remain unchanged. It is believed that no new matter is added by this response.

The claims presently on file in the present application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

**Rejections under 35 USC § 102**

Claims 1-31 stand rejected under 35 U.S.C. §102(e) as being anticipated. The Examiner states: "Claim 1-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kufman et al. Note paragraph 0007." Examiners Office, Page 2.

Applicants assume that the Examiner, in the rejection, is misspelling "Kaufman" and is referring to Kaufman et al. (U.S. publication number 2002/0163662).

Applicant respectfully traverses the 102 rejection.

As to a rejection under 102, "[a]nticipation is established only when a single prior art reference discloses expressly or under the principles of inherence, each and every element of the claimed invention." *RCA Corp. v. Applied Digital Data Systems, Inc.*, (1984, CAFC) 221 U.S.P.Q. 385. The standard for lack of novelty, that is for "anticipation," is one of strict identity. To anticipate a claim, a patent or a single prior art reference must contain all of the essential elements of the particular claims. *Schroeder v. Owens-Corning Fiberglass Corp.*, 514 F.2d 901, 185 U.S.P.Q. 723 (9th Cir. 1975); and *Cool-Fin Elecs. Corp. v. International Elec. Research Corp.*, 491 F.2d 660, 180 U.S.P.Q. 481 (9th Cir. 1974). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The

elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

### **Claims 1 -12**

With respect to claims 1-12, these claims are canceled by this response, therefore the rejection of these claims is rendered moot.

### **Independent Claim 13 and its dependent Claims 14-21**

Independent 13 states:

13. A server, comprising:

- (a) means for receiving a request from a client; and
- (b) means for responding to the request by transmitting a **program of**

**instructions to the client**, the program for enabling the client to:

- (i) **Initiate the printing of a document by a printer;**
- (ii) **detect if the printer encounters an alert condition while printing**

**a document;** and

(iii) **if an alert condition is detected, display a selectable object for initiating a performance by the client of a specified function.**

Independent claim 13 is allowable for at least the reason that Kaufman clearly does not disclose, teach, or suggest the features that are highlighted in claim 13 above.

The Examiner appears to take the position that Kaufman, at paragraph 7, discloses the elements of claim 13. Paragraph 7 of Kaufman states as follows:

*"As described in U.S. patent application Ser. No. 09/642,538, one type of alert generated by the printer 10 shown in FIGS. 1 and 2 of the present application may be an alert regarding the state of the printer's label supply. However, the printer 10 is only capable of detecting when the printer 10 is completely out of labels. When the printer 10 is out of labels, the printer 10 immediately stops printing until a new supply of labels is inserted into*

*the printer 10, and transmits an alert message that the printer 10 is out of labels. Depending on how the network manager has configured the printer 10 with regard to alert messages, the printer 10 may alert either the printer operator via the printer's front panel 14 or directly alert a mobile worker using a cellular paging device 22. Although these communication methods are effective in procuring replacement labels for the printer 10, the time period between when the printer 10 transmits the alert message and new labels are delivered to the printer 10 may range from minutes to hours depending on how quickly new labels can be located and delivered to the printer 10. This time period between when the printer 10 stops printing labels and a new label supply is provided to the printer 10 results in downtime and lost productivity, which can be very expensive." Kaufman, paragraph 7.*

As a starting point, nowhere in this paragraph is a server even mentioned. For this reason alone, this paragraph can not anticipate independent claim 13.

Moreover, Kaufman describes an alert message that is transmitted from the printer to another device, such as a Cell Phone. The alert message is presumably a text and/or graphical message and there is no indication that the alert message imparts any special functionality to the device that receives it (other than causing the device to display the message). Certainly, the Kaufman alert message does not enable a client to initiate the printing of a document.

Nowhere does Kaufman describe the claim 13 server that can provide a client with a program for enabling the client to initiate the printing of a document by a printer; detect if the printer encounters an alert condition while printing a document; and if an alert condition is detected, display a selectable object for initiating a performance by the client of a specified function.

Thus, Kaufman does not anticipate claim 13, and the rejection should be withdrawn.

Because independent claim 13 is allowable over the prior art of record, its dependent claims are also allowable as a matter of law, for at least the reason that the dependent claims 14- 21 contains all features/elements/steps of its respective independent claim 13. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally and notwithstanding the foregoing allowability of claim 13, the dependent claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record. Hence, there are other reasons why this dependent claim is allowable.

For example, claim 21 recites:

The server of claim 13, wherein the server is incorporated within the printer.

Nowhere does Kaufman disclose a printer that incorporates a server. Thus, Kaufman can not anticipate claim 21, and the rejection should be withdrawn.

**Independent Claim 26 and its dependent Claim 27**

Independent 26 states:

26. (original) A server, comprising:

apparatus for responding to a pre-defined request received from a client by transmitting a program of instructions to the client, the program for enabling the client to:

(i) detect if the printer encounters an alert condition while printing a document; and

(ii) if an alert condition is detected, display a hyperlink for initiating a performance by the client of a specified function for assisting a user in resolving the alert condition.

Independent claim 26 is allowable for at least the reason that Kaufman clearly does not disclose, teach, or suggest the features that are highlighted in claim 26 above.

The Examiner appears to take the position that Kaufman, at paragraph 7, discloses the elements of claim 26 as this is the only section in Kaufman that is referenced by the Examiner.

As previously noted, nowhere in this paragraph is a server even mentioned. For this reason alone, this paragraph can not anticipate independent claim 26.

Moreover, Kaufman describes an alert message that is transmitted from the printer to another device, such as a Cell Phone. The alert message is presumably a text and/or graphical message and there is no indication that the alert message imparts any special functionality to the device that receives it (other than causing the device to display the message).

It is respectfully asserted that nowhere does Kaufman describe a program of instructions that enables a client to detect if the printer encounters an alert condition while printing a document. For this reason alone, Kaufman can not anticipate independent claim 26.

Further, nowhere does Kaufman describe a program of instructions that enables a client to display a hyperlink for initiating a performance by the client of a specified function for assisting a user in resolving the alert condition. For this reason alone, Kaufman can not anticipate independent claim 26.

Accordingly, Kaufman does not anticipate claim 26, and the rejection should be withdrawn.

Because independent claim 26 is allowable over the prior art of record, its dependent claim 27 is also allowable as a matter of law, for at least the reason that it contains all features/elements/steps of its respective independent claim 26. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally and notwithstanding the foregoing allowability of claim 26, the dependent claim 27 recites the further feature of: **"wherein the program further enables the client initiate the printing of the document by the printer"**. Nowhere does Kaufman disclose this limitation.

Accordingly, Kaufman does not anticipate claim 27, and the rejection should be withdrawn.

**Independent Claim 28 and Its dependent Claims 29-31**

Independent 28 states:

28. (original) A printing system, comprising:

(a) a printer operable to print a document and to serve a program of instructions to a client;

(b) a client operable by a user to request the program from the printer, the program enabling the client to:

(i) initiate the printing of a document using the printer;

(ii) if the printer encounters an error condition while printing the document, display a hyperlink for initiating a performance by the client of a specified function to assist the client user in resolving the alert condition.

Kaufman makes no mention of a printer that can serve a program to a client. For this reason alone, Kaufman can not anticipate independent claim 28.

Kaufman also makes no mention of a program that enables a client to initiate the printing of a document using the printer; AND display a hyperlink for initiating a performance by the client of a specified function to assist the client user in resolving the alert condition. For this reason alone, Kaufman can not anticipate independent claim 28.

Because independent claim 28 is allowable over the prior art of record, its dependent claims are also allowable as a matter of law, for at least the reason that the dependent claims 29-31 contains all the features/elements/steps of its respective independent claim 28. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**Conclusion**

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,  
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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Alexandria, VA, on 11-18-2005, to PTO fax no. (571) 273-8300.

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